

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

KEVIN FAILE,)	
)	
Plaintiff,)	
)	
v.)	1:12-cv-00055-JAW
)	
STATE OF MAINE, et als.,)	
)	
Defendants.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision filed August 6, 2012, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the Defendants' Amended Motion to Dismiss for Failure to State a Claim (ECF No. 16) be and hereby is GRANTED. The federal and state employment-related claims are dismissed with prejudice and any theoretical state-law tort theories are dismissed without prejudice.

SO ORDERED.

/s/ John A. Woodcock, Jr. _____
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 11th day of September, 2012

Plaintiff

KEVIN FAILE

represented by **KEVIN FAILE**
PO BOX 335

EAST WINTHROP, ME 04343
(207) 395-4083
PRO SE

V.

Defendant

STATE OF MAINE

represented by **KELLY L. TURNER**
OFFICE OF THE ATTORNEY
GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
(207) 626-8552
Email: kelly.turner@maine.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**ATTORNEY GENERALS
OFFICE**

represented by **KELLY L. TURNER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DHHS

represented by **KELLY L. TURNER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**RIVERVIEW PSYCHIATRIC
CENTER**

represented by **KELLY L. TURNER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

WORKERS COMP

represented by **KELLY L. TURNER**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Notice Only Party

**MAINE ATTORNEY
GENERAL - NON PRISONER**

IFP CASES

TERMINATED: 04/09/2012